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POLL MANAGER'S HANDBOOK FOR CONDUCT OF GENERAL ELECTIONS 1976

Prepared and Distributed by
the South Carolina State Election Commission

**POLL MANAGER'S HANDBOOK
FOR CONDUCT OF
GENERAL ELECTIONS
1976**

State Election Commission

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NOTE

Statutory references or citations in this booklet can be found in the manual, **Registration And Election Laws Of South Carolina, 1976** published by the State Election Commission, as well as in the 1962 Code of Laws of South Carolina and its 1976 Cumulative Supplement. The State Election Commission will send copies of its compilation of the registration and election laws to every precinct in the state.

Note: New legislation and new legal rulings are indicated in this handbook by an asterisk (*).

CONDUCT OF GENERAL ELECTIONS

Commissioners And Managers of Elections; Clerks

At least thirty days prior to any general election for federal, state or county officers, the Governor appoints at least three and not more than five commissioners of election for each county upon the recommendation of the Senator and at least half of the members of the House of Representatives from the respective counties. The commissioners of election remain in office until their successors are appointed and qualified. Section 23-400.

The commissioners of election, after organizing, then appoint three managers of election for each polling place in the county for every five hundred voters registered to vote at such polling place or portion thereof. Section 23-400. For example, if 1250 persons were registered to vote at a particular voting place, nine (9) managers should be appointed.

All managers of election for the various polling places in the State shall be residents and registered electors of the respective counties in which they are appointed to work or in the adjoining county. Section 23-400.3:1.

At their first meeting, the managers elect one of their members as chairman. Section 23-400. The law provides that the managers may appoint a clerk to assist them in their duties. Section 23-400.

It is illegal for a candidate or the spouse, parents, children, brothers, or sisters of a candidate for public office to work as a manager or clerk of election at a polling place where the candidate's name appears on the ballot. Section 23-400.3:2.

Training

Efficiently run elections are essential to an orderly form of government. All elections must be uniform and conducted within the jurisdiction of the laws of the State. Poll manager training is an essential step toward this end. The State Election Commission, in conjunction with the election commissions of the various counties, offers its training program to the poll managers on a statewide basis.

Oath of Commissioners, Managers, and Clerks

After their appointment, the commissioners and managers must take and sign the following oath prescribed by Article 111, Section 26 of the South Carolina Constitution: Section 23-400.

I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States. So help me God.

This oath should be filed immediately with the Clerk of Court, or if there be no clerk, then with the Secretary of State. Section 23-400.

The clerk, if one is appointed by the managers, must also take this oath prescribed by Article III, Section 26, of the Constitution. Section 23-400.1.

Failure of Managers to Attend Election

If any of the managers fail to attend or if they have not been appointed, the qualified voters of the precinct who are present may appoint a manager to act in the place of the absent manager. If the duly appointed manager attends within a reasonable time, he shall act as manager. Section 23-400.8.

Hours of Election

In general elections, the law requires that the polls open at 8 o'clock in the morning and remain open without interruption until 7 o'clock in the afternoon on election days. Section 23-398.

In Lancaster County only, a voting precinct may remain open until 8 p.m. if the managing body of the precinct deems it necessary to permit qualified electors to vote who could not vote during the normal voting hours and if notice is given of such additional hour at least once a week for at least two weeks before the election. Section 23-399.

BEFORE POLLS OPEN

Arrival

Managers should arrive at the polling place at least 45 minutes before the polls are scheduled to open. They should then proceed to elect one of their members as chairman.

Manager's Oath

For General Elections, before opening the polls, the managers should take and sign the following oath: (Section 23-400, 23-400.3).

We do solemnly swear that we will conduct this election according to law and will allow no person to vote who is not entitled by law to vote in this election, and we will not unlawfully assist any voter to prepare his ballot and will not advise any voter as to how he should vote at this election.

The managers should be provided with and should wear proper identification badges.

Next, the managers should post sample ballots and the complete texts of the constitutional amendments in a conspicuous area of the polling place.

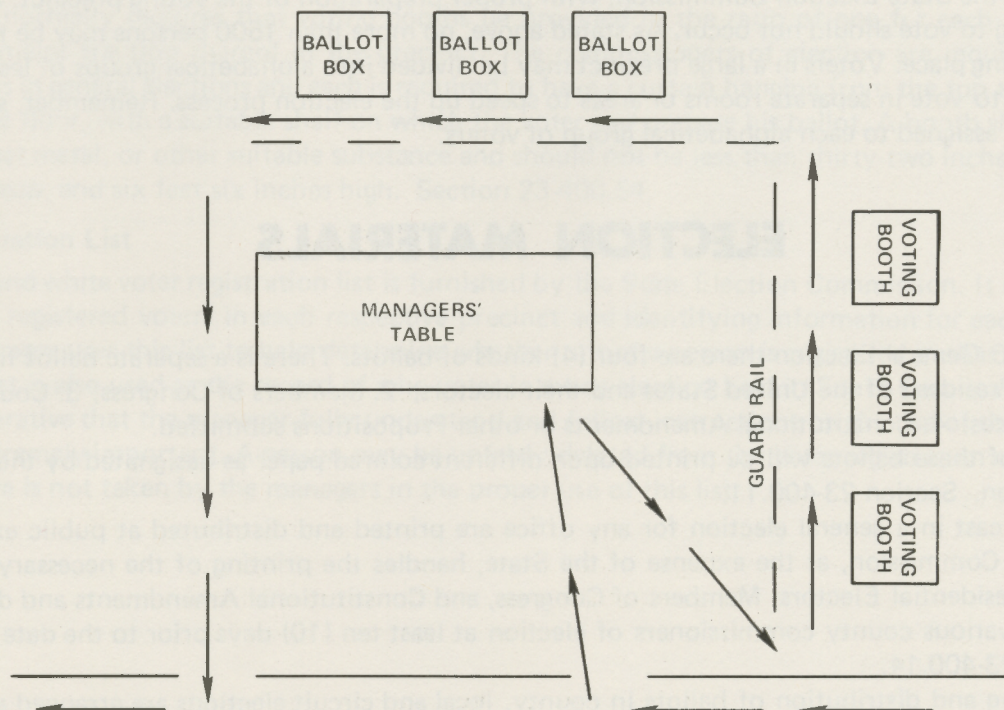
Arrangement of Voting Place

Proper polling place arrangement is essential to ensure both the secrecy of the ballot and an orderly flow of voters throughout the day. Managers should arrange their polling place in the most efficient manner possible.

The law requires that each voting place be provided with a table for the managers. The ballot boxes should be placed upon a table or desk and so arranged that the voter can deposit his ballot without crowding, confusion, or interference. Voting booths should be provided so that the voter can mark his ballot in secret. A guard rail shall be provided around the voting booths so that no one except authorized persons can approach nearer than five feet to the booths in which the voters are preparing their ballots. This guard rail can be provided through the use of chairs, rope, wood railing, or other means. The primary objectives are to avoid crowding and interference and to preserve the secrecy of the ballot. Section 23-400.4, 23-400.62.

A manager should be stationed outside the voting booth area to collect the ballot stubs from voters. He should keep each type of ballot stub separated.

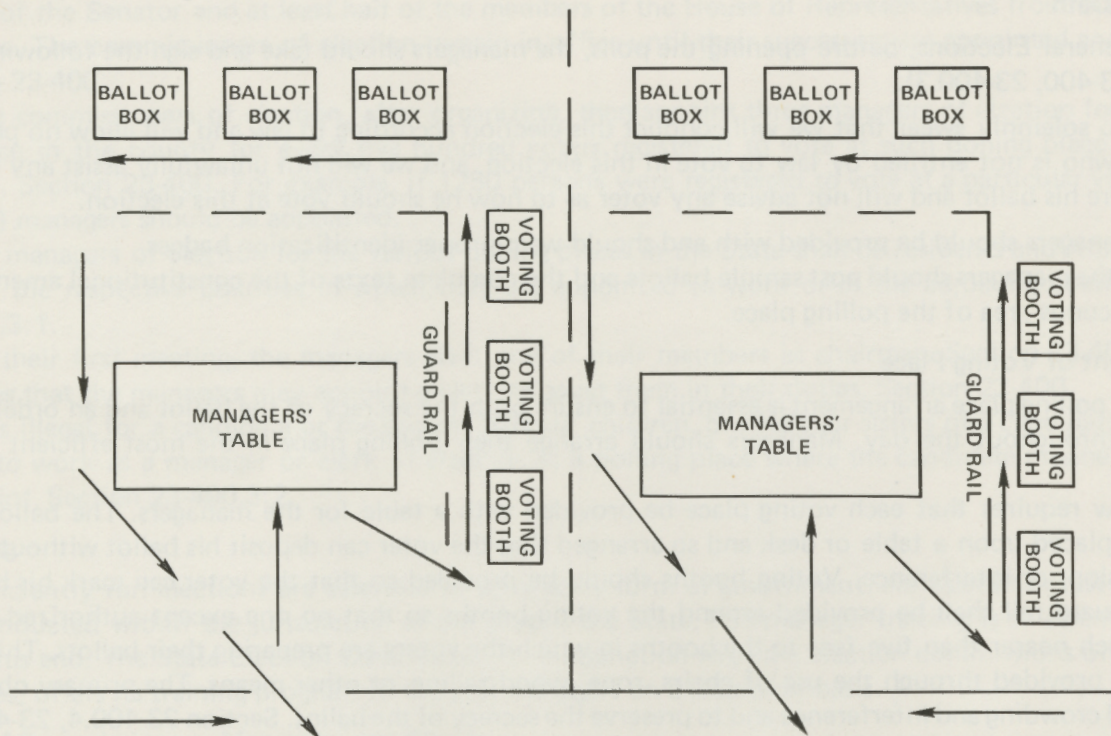
Diagram of Polling Place



Precincts With More than 1500 Registered Electors

State Law (Section 23-211) requires that all precincts be divided so that they contain no more than 1500 registered electors. This can be done alphabetically by dividing the voter registration list. Separate managers and facilities should be provided within the polling place for each alphabetical grouping.

Diagram of Split Polling Place



Use of Public Schools as a Polling Place

General Election Day is a public school holiday in South Carolina, and the use of schools as voting places is endorsed by the State Election Commission. With proper preparation of the voting precinct, long lines of persons waiting to vote should not occur. As stated above, no more than 1500 persons may be registered to vote in any voting place. Voters in a large precinct may be divided into alphabetical groups of less than 1500 and permitted to vote in separate rooms or areas to speed up the election process. Remember, separate managers must be assigned to each alphabetical group of voters.

ELECTION MATERIALS

Ballots

In the 1976 General Election there are four (4) kinds of ballots. There is a separate ballot for: 1. President and Vice-President of the United States and their electors; 2. Members of Congress; 3. County, Circuit and Other Offices; 4. Constitutional Amendments or other Propositions submitted.

Each one of these ballots will be printed upon different colored paper as designated by the State Election Commission. Section 23-400.11.

All ballots cast in a general election for any office are printed and distributed at public expense. The State Election Commission, at the expense of the State, handles the printing of the necessary ballots for election for Presidential Electors, Members of Congress, and Constitutional Amendments and delivers such ballots to the various county commissioners of election at least ten (10) days prior to the date of the election. Section 23-400.14.

The printing and distribution of ballots in county, local and circuit elections are arranged and handled

by the commissioners of election of the several counties and are paid for by the respective counties. Section 23-400.14. Also, the ballots for the offices of State Senate and the House of Representatives are printed and distributed by county election commissions.

The commissioners of election must place ballots and other election materials received from the State Election Commission and ballots they are responsible for having printed in ballot boxes for distribution to the managers of election of the various precincts. The printing and distribution of ballots in all municipal elections are arranged and handled by the municipal authorities conducting such election and are paid for by the municipalities. Section 23-400.14.

For the 1976 General Election, the State Election Commission has designated the following colors for the ballots:

President and Vice-President	Blue
Statewide Ballot (Representative in Congress only)	Canary (Yellow)
Statewide Constitutional Amendments	White
Local Constitutional Amendments (bonded indebtedness)	Green

Number of Ballots

Each voting place must be provided with as many ballots as is equal to 110 percent of the registered qualified voters at the voting place. Where voting machines are used, paper ballots equal to 10 percent of the registered qualified voters at the voting place must be provided. Section 23-400.25.

If sufficient room permits, constitutional amendments may be placed upon the voting machines and vote recorders.

Ballot Boxes

Ballot boxes in general elections shall be provided by the commissioners of election. At least one box for each kind of ballot must be provided, including each type Constitutional Amendment ballot. These boxes shall be of sufficient size to handle the volume of ballots.

Each box should be labeled in plain Roman letters with the name of the office or officers voted for and be painted the same color as the ballot to be placed therein, or have a sample ballot affixed to the box in which like ballots are to be deposited, and the managers, on demand of the voter, are required to read to the voter the names of the boxes. Section 23-400.62.

Voting Booths

The law normally requires that voting booths be provided in the ratio of one for each 250 registered voters or a major fraction thereof in the precinct. The commissioners of election are required to furnish voting booths in general elections and each is required to have a curtain hanging from the top to within three (3) feet of the floor, with a suitable shelf on which the voter can prepare his ballot. A booth should be made of wood, sheet metal, or other suitable substance and should not be less than thirty-two inches wide, thirty-two inches deep, and six feet six inches high. Section 23-400.54.

Voter Registration List

The red and white voter registration list is furnished by the State Election Commission. It consists of the names of all registered voters in each respective precinct and identifying information for each voter listed. The poll manager uses this list to help determine whether or not a person is registered in that particular precinct. This list is also used as the record of who votes in every election held in South Carolina.

It is imperative that the manager fully understand and follow instructions on the use of this list, as voter history is extremely important. A person may be unfairly deleted from the voter registration rolls for failure to vote if care is not taken by the managers in the proper use of this list.

OPENING THE POLLS

At precisely 8 a.m., the chairman of the managers should announce that the polls are officially open. He should then proceed to unlock the ballot boxes and publicly display that they are empty. They should then be locked and the keys returned to the managers until the polls are closed and counting begins. Ballot boxes cannot be opened again during the election. Section 23-400.62.

PROCESSING THE VOTER

Qualifications to Vote

To become a registered elector in South Carolina, a person must be at least 18 years of age on election day, and a resident and citizen of the state, county, and precinct in which he wishes to register to vote. The mentally incompetent and persons confined to any public prison are disqualified from being registered and from voting. People convicted of certain disqualifying felonies and crimes against the election law are also disqualified, unless they have been given a pardon by the South Carolina Pardon and Parole Board. There is no durational residency requirement in South Carolina in order to register to vote.

A person must register at least 30 days prior to an election to be eligible to vote in that particular election.

Registration Certificate

Upon entering the polling place, the voter must present his registration certificate to the manager. The manager checks to see that the description on the certificate fits the voter. The signature on the certificate should be checked against the voter's signature on the poll list.

This is to Certify that:	REGISTRATION CERTIFICATE	1313306
Tharpe Angela McQueen	State of South Carolina	CERTIFICATE NUMBER
(LAST, FIRST, MIDDLE INITIAL)		
Sex F Hair Brn Eyes Blu Wt. 126 Ht. 5'8" Race W	MO. DAY YR.	SIGNATURE OF ELECTOR
	9 - 17 - 76	Angela McQueen Tharpe
Social Security or Identification No. 249 - 92 - 3806	REGISTRATION DATE	Meredene J. Miller
is a Registered Elector of Georgetown County		ATTEST
Resides at 301 Avondale Road		
STREET		
city or town of Andrews		
Township or Parish, and is Entitled		
to Vote in Andrews Precinct		

Poll List

The poll list is provided by the State Election Commission. The voter signs the list before entering the voting booth. The signature on this list should be compared to the voter's signature on his registration certificate.

4. If more than one poll list is needed, the manager should renumber the pages consecutively - for example, the pages of a second list should be remarked, 5, 6, 7, and 8.

Voter's Oath

The voter's oath is written at the top of the poll list that the voter signs before voting. This oath is listed below.

I do solemnly swear or affirm that I am qualified to vote at this election according to the Constitution of this State, and that I have not voted during this election.

When the voter signs the poll list, he is automatically taking the voter's oath. It is not necessary for the

manager to read the oath to the voter unless the voter is illiterate or blind, but the manager should caution the voter to do so.

The poll list is also used in conjunction with the voter registration list. The page and line number on the poll list where the voter signs and the manager's initials are written in the proper blanks beside the voter's name in the voter registration book. For example, Elizabeth Ann Blakely from Line 93 of the poll list is marked in the following manner on the sample section of the voter registration book below:

SOUTH CAROLINA VOTER REGISTRATION LIST

ELECTION NUMBER 0457
 ELECTION DATE 01/15/74 FOR GEORGETOWN COUNTY ANDREWS PRECINCT
 COUNTY CODE 22
 PRECINCT CODE 001 ELECTION NAME ANDREWS GENERAL ELECTION
 PAGE NUMBER 000005

PAGE	LINE	MANAGER'S INITIALS	NAME	CERTIFICATE NUMBER	NUMBER	STREET OR RFD ADDRESS	CITY	SOCIAL SECURITY OR IDENT NUMBER	BIRTH DATE	OCCUPATION	WEIGHT	HAIR	HEIGHT	SEX	DOB	DOB
01	1	4	BLAKELY CHARLTON REMBERT	106	424359112	LEDAK STREET	ANDREWS	623170	030829	P C	WM	135	BLK	507	041768	041768
02	3	93	BLAKELY ELIZABETH ANN	106	419152409	FAIR AVE	ANDREWS	249-58-062004	030829	P C	WM	135	BLK	507	041768	041768
03	2	93	BLAKELY ELIZABETH ANN	106	419152409	FAIR AVE	ANDREWS	249-58-062004	030829	P C	WM	135	BLK	507	041768	041768
04	2	93	BLAKELY ELIZABETH ANN	106	419152409	FAIR AVE	ANDREWS	249-58-062004	030829	P C	WM	135	BLK	507	041768	041768
05			BLAKELY JAMES VERNON	106	419152409	FAIR AVE	ANDREWS	250-50-011002	103515	TECH	WM	205	HRN	602	041768	041768
06			BLAKELY MARION O				ANDREWS	0000012333			WM	135	BLK	507	041768	041768
07			BLAKELY VIRGIL I	106	422336	POPLAR AVE	ANDREWS	249-54-449605	103515	SALESMAN	WM	150	HRN	503	041768	041768
08	3	13	BLOUNT ADAM				ANDREWS	250-04-183300			WM	135	BLK	507	041768	041768
09			BLOUNT JOHN WHITFIELD	106	421809112	MURGAN AVENUE	ANDREWS	250-39-099106	103515	MERCHANT	WM	225	HRN	510	041768	041768
10			BOJIFORD JIMMIE				ANDREWS	249-54-449605	103515		WM	135	BLK	507	041768	041768
11			BOJIFORD CHARLIE H	106	0417319	BOX 33 K ROUTE 2	ANDREWS	251-18-135812	103515	MECHANIC	WM	165	HRN	503	041768	041768
12			BOJIFORD ELLA				ANDREWS	249-52-874908	030829		WM	134	HRN	503	041768	041768
13			BOJIFORD JACK		0422435502	5 CEDAR AVE	ANDREWS	248-50-723510	103515	P C	WM	160	HRN	506	041768	041768
14			BOJIFORD MARVIN				ANDREWS	249-54-449605	103515	BOARD HEALTH	WM	165	HRN	508	041768	041768
15			BOJIFORD													
16			BOJIFORD	89			123									
17			BOJIFORD													
18			BOJIFORD	90			124									
19			BOJIFORD													
20			BOJIFORD	91			125									
21			BOJIFORD													
22			BOJIFORD	92			126									
23			BOJIFORD													
24			BOJIFORD	93			127									
25			BOJIFORD													
26			BOJIFORD	94			128									
27			BOJIFORD													
28			BOJIFORD													
29			BOJIFORD													
30			BOJIFORD													
31			BOJIFORD													

VOTING BY PAPER BALLOT

If the voter's registration certificate is in order and his name appears on the registration list, the manager initials the ballot stubs in the provided space and gives the ballots to the voter. The voter is then allowed to proceed to the voting booth.

After the voter has marked his ballots, he must fold them so as to leave the stubs attached and visible. The voter then returns the ballots to the appropriate manager so that the manager may detach the stubs and retain them. Section 23-400.53. We suggest that the manager place these stubs on a separate stylus for each type of ballot.

The manager shall then give the voter his ballots to be deposited in the proper ballot boxes.

CAUTION: It is important that the stub is still attached to the ballot when it is returned to the manager. Only managers are authorized to detach stubs. If the stub is detached when the ballot is returned to the managers, grounds for challenge exist.

Time Allowed in Voting Booth

No voter can occupy a voting booth for a longer time than five minutes whether or not the voter is receiving assistance. After having voted, declined or failed to vote within five minutes, the voter shall im-

diately withdraw from the voting place and shall not enter the polling place again during the election. Section 23-400.55. Where voting machines are used, only three minutes are allowed a voter inside the booth. Section 23-422.

In the 1976 General Election, Constitutional Amendments are not required to be voted on in separate voting booths; therefore, the managers may wish to consider allowing the voter some additional time in the booth if no other persons are waiting in line to vote.

Write-In Votes

In a general election, the voter may write-in the name of any person he chooses for a particular office; this includes a candidate who was defeated for the same office in the primary election of a political party.

In casting a write-in ballot, the voter must cast it in his own handwriting or in the handwriting of a duly authorized manager who is aiding the voter in casting his ballot when assistance is authorized. Section 23-400.59.

Closing of the Polls

At the time of closing of the polls, the chairman of the managers shall announce that the polls are closed. Any voters who are in the process of voting, or are present waiting to vote, shall be allowed to vote before the polls close. Section 23-400.63.

Accounting for Ballots After Election

When the canvassing and counting of the votes is completed, the chairman of the managers or one of them to be designated in writing by the managers, shall deliver to the commissioners of election the poll list, the boxes containing the ballots, and a written return of the result of the election in the precinct. The managers are responsible for all ballots furnished them. Section 23-400.95.

At the close of the election, the managers shall account to the commissioners of election for all ballots delivered to them and mark the following returns:

- a. The number of ballots furnished.
- b. The number of ballots spoiled and returned by voters.
- c. The number of ballots returned to the commissioners of election.
- d. The number of ballots actually voted.

NOTE: Commissioners of election (who become the County Board of Canvassers after the election) are required to report the election results to the State Board of Canvassers (State Election Commission) by precinct within ten (10) days from their first meeting. Section 23-451, 23-454, 23-456, and 23-459. The Executive Director of the State Election Commission shall furnish each county election commission a booklet containing all necessary forms in order to report the results by precinct.

The commissioners of election shall keep in possession all unused ballots, as well as those that have been spoiled, until the time for contesting the election has expired. Any ballot that has been lost must be accounted for by a certificate from the chairman of the managers of the particular precinct covering the circumstances. Section 23-400.95.

In addition to the above, the managers of election at the close of the election must turn over the envelopes containing challenged ballots to the commissioners of election. The managers do not include challenged ballots in their tally, and the sealed envelopes containing these ballots should not be opened by the managers. At their first meeting thereafter, the commissioners shall hear all objections to such votes; and, when no person appears to sustain an objection made at the polls, the ballot shall be removed from the envelope and mingled with the regular ballots and counted.

When the challenger appears, or produces witnesses in support of the challenge, the commissioners shall proceed to hear and determine the question and their decision shall be final. Section 23-400.61.

Counting of Ballots; Volunteer Personnel

At the close of the election, the managers and clerk shall immediately proceed to publicly open the ballot boxes and count the ballots. The managers are authorized to use additional volunteer personnel in counting the ballots. A volunteer counter cannot be a candidate or a watcher for a candidate for an office to be voted on in the election, and they must take the following oath prior to assuming their duties:

I do solemnly swear or affirm that I am not a candidate or a watcher in this election, am a qualified elector of this county, that I will count the ballots entrusted to my care in a fair and impartial manner, and make to the best of my ability a correct tabulation of the results.

The managers are required to make a list of such volunteer counters and turn such list in with other election material to the commissioners of election.

It is emphasized that the counting of the ballots must be done in public. The Constitution of the State and the statutes of the State require this. While the public has a right to be present when the ballots are being counted, no one can unduly interfere with or impede the process of counting the ballots. The managers should permit full observation of the counting, but they should maintain absolute control of the entire proceeding to insure that the ballots are properly counted and accounted for.

The counting must continue without interruption until it is completed.

After the counting is completed, the managers shall sign such statements of the results of the election as may be required. Section 23-400.91.

NOTE: In a general election, only a plurality of votes polled is required to elect. 1969 Op. Atty. Gen. 2766.

Ballots Improperly Marked

If it is impossible to tell how the voter intended to vote in a particular race, the ballot should not be counted for that race, but may be counted when the voter's choice can be determined for any other race in the election. Section 23-400.92. The determination of a voter's choice is sometimes a difficult, if not impossible, task. A line may be drawn near a candidate's name so that it is difficult to determine if the voter meant to strike or scratch a specific name. A check mark or a cross mark may be placed near a square so as to render the task of determining how the voter intended to vote difficult of solution. There is no hard and fast rule to meet the various aspects of the problem. The board of managers is required to exercise its best judgement as to how the voter intended to cast his ballot.

It is important that ballots in such cases be preserved so that the commissioners of election or the courts, if necessary, can survey the problem on appeal.

NOTE: In previous years the "Full-Slate Law" was in effect in South Carolina. This is no longer true. In 1972 the General Assembly repealed the full-slate requirements. A voter need not vote for as many candidates as positions to be filled in order to have his vote counted.

If a voter marks more names than there are persons to be elected or nominated to an office, this section of the ballot shall not be counted. The sections of the ballot that are properly marked shall be counted.

*** IMPORTANT — Counting Crossover Votes**

Because of the legal decision rendered in the case of **Smith v. Hendrix** by Circuit Judge Timmerman, the Attorney General of South Carolina rendered a legal opinion on September 3, 1976, that a crossover vote should be counted when a voter votes a straight party ticket for one party and crosses over and votes in a particular race or races for a candidate or candidates of an opposition party on the ballot.

GENERAL VOTING DAY PROBLEMS

Challenge By The Managers

The law provides that if the managers are reasonably sure that the person presenting himself is entitled to vote, they shall deliver to him a ballot. Section 23-400.53.

The law also provides that the managers of election shall prevent any person from voting when they have good reason to believe that such person has already voted. It provides also that they shall refuse to allow any person to vote who is not a registered voter or who has become disqualified for any cause to vote in the precinct. It is the duty of managers to challenge the vote of any person who may be known or suspected not to be a qualified voter. Section 23-400.60.

Whether a person is a registered voter or not is a simple matter for the managers to determine. If he

does not present a registration certificate, he cannot vote. If the managers have good reason to believe that the voter has already voted, or if they believe that he has become disqualified to vote, they should challenge his vote in the following manner:

- 1) The managers should explain to the voter the qualifications of a voter. These qualifications are set forth in Section 23-62 and 23-72.2, the 26th Amendment to the United States Constitution, and decision of the United States Supreme Court in *Dunn v. Blumstein* (March 21, 1972), as follows:
 - a. He must be 18 years of age.
 - b. He must be a resident of South Carolina, the county, and the voting precinct at which he offers to vote.
 - c. He must neither be now under court order declaring him mentally incompetent nor confined in a public prison. Persons on parole or probation for nondisqualifying crimes should be permitted to vote.
 - d. He must not have been convicted of burglary, arson, obtaining stolen goods or money under false pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, housebreaking, receiving stolen goods, breach of trust with fraudulent intent, fornication, sodomy, incest, assault with intent to ravish, larceny, murder, rape or crimes against the election laws, unless he shall have been pardoned for such offenses.
 - e. He must have been duly registered by the board of registration and his registration certificate must be dated at least thirty days prior to the election.
- 2) The managers may question the voter as to the foregoing qualifications. If the person whose vote is challenged insists that he is qualified, and the challenge is not withdrawn, his vote shall then be received and placed in an envelope on which shall be written the name of the voter, and that of the challenger. If voting at the voting place is being done upon a voting machine, the manager shall provide a paper ballot if the vote is challenged, and it shall be placed in an envelope. Special Challenge Ballot envelopes will be furnished each precinct by the Executive Director. The challenged votes shall be kept separate and apart and not counted but turned over to the commissioners of election. Section 23-400.61.

CHALLENGED BALLOT

NAME OF VOTER _____

PRECINCT _____

NAME OF CHALLENGER _____

REASON FOR CHALLENGE _____

The managers should inform both the challenged voter and the challenger of the time and place of the challenge hearing. Unless the challenger is present at the hearing, the vote will be counted automatically. Section 23-400.61.

NOTE: All challenges must be made prior to the time a voter receives a paper ballot or enters into a voting machine. No challenges shall be considered after that time. In the case of absentee ballots, challenges shall be made prior to the counting of the ballots. Nothing shall affect the right of any elector or qualified watcher to challenge the vote of any person which is fraudulent or when the challenge is based on evidence discovered after the vote is cast. Section 23-400.60.

Watchers and Challenges by Watchers and Electors

Each candidate in a general election may appoint a watcher for any voting place. However, in any general election, all candidates of the same political party shall be jointly represented at any one polling place by not more than two watchers for each 1,000 registered voters or fraction thereof registered at such poll-

ing place. Every watcher must be a qualified voter in the county where he is to watch and he must be certified to the managers of the voting precinct to which assigned, in writing, signed by the candidate or by an appropriate party official as having been designated to act as a watcher. The watcher must at all times wear some visible identification, specifying the name of the candidate or party he represents. The watcher must conduct himself in a manner that will not interfere with the orderly conduct of the election. Section 23-400.64. The managers have authority to require that the watchers station themselves in such places as the managers designate, and conduct themselves in an orderly manner. They should be given full opportunity to observe the election procedure, but managers should not permit the activity of the watchers to interfere with the orderly conduct of the election or to permit the watcher to talk with the voter. Sections 23-400.5, 23-400.64.

If the watcher desires to challenge a voter, he must address himself to the manager, and not to the voter. The manager should then follow the procedure outlined in the preceding section entitled "Challenge by the Managers". Section 23-400.60. He should explain the qualifications of an elector and examine the person as to such qualifications. If the challenger specifies the grounds of his challenge, such as, commission of a crime, or failure to reside in the precinct, the managers need only explain the appropriate qualifications to the challenged person and examine him as to these.

If the challenged person insists that he is qualified and the challenge is not withdrawn, the vote should be received, placed in the special challenge envelope on which is written the name of the voter, the name of the precinct, the name of the challenger and the reason for challenge; and the challenged vote is then kept separate and apart and not counted, following the procedure outlined above. Section 23-400.61.

NOTE: It should be noted that any qualified elector has the right to challenge a person's vote the same as a watcher. The challenge must be directed to the voter through the manager. Section 23-400.60.

Assistance to Voters

Except as herein referred to, no one except the voter is permitted within the guard rail. If a voter is unable to sign the poll list, because of illiteracy or physical handicap, he can ask the managers for assistance in voting. In such case, the chairman of the managers shall appoint a manager and a bystander designated by the voter to assist in preparing his ballot. The bystander must be a registered voter of that precinct. These two persons may then enter the guard rail and enter the voting booth with the voter. The ballot should be marked in accordance with the instructions given by the voter. The law does not specify whether the manager or the bystander designated by the voter should mark the ballot. It is preferable that the manager mark the ballot, but both the manager and bystander should be present in the booth while the ballot is marked. Neither the manager nor the bystander should in any manner direct or suggest how the voter should vote, but the ballot should be marked in exact accord with instructions given by the voter; and after the ballot has been prepared, the bystander shall immediately leave the vicinity of the guard rail. Section 23-400.56, 23-400.57.

NOTE: In lieu of the above assistance which may be given to a person who is unable to sign the poll list, the handicapped or illiterate person may have his or her spouse render assistance. Section 23-400.56.

The fact that a voter has signed his name on his registration certificate and signs the poll list before being furnished a ballot would normally indicate that such person is literate and possesses sufficient comprehension and intelligence to vote in an election. However, it is entirely possible that a voter may have learned to write his name mechanically and still be unable to read and write in the generally accepted sense. Such an example of this is a blind person who has learned to write his name but, of course, is unable to read in the generally accepted sense.

When a voter has signed his registration certificate and the poll list, yet insists that he is illiterate and requests assistance in marking his ballot, if the managers have a reason to believe or suspect that the voter can read and write, they should permit him to vote with assistance, but challenge his vote following the procedure for challenging votes as set out heretofore under the heading "Challenge by Managers".

Husband and Wife Voting Together

*It is now legal for husbands and wives to enter the voting booth together for the purpose of voting. They may also converse with each other while voting. 1975 Act, R-442.

Person Without a Certificate

If a person presents himself at the polls without a certificate, he is not allowed to vote. If he insists that his certificate has been lost or stolen, he should be advised that his county board of voter registration is open all day on election day and that he should go there and obtain a duplicate certificate; he will then be allowed to vote. Section 23-61.

Instruction After Voter Has Entered Booth

If a voter asks for instruction after entering the voting booth, he may be instructed by two of the managers. Upon the completion of their instruction, the managers immediately leave the voting area and allow the voter to cast his ballot in secrecy. Section 23-424.

Ballot Found In Wrong Box

As previously stated, separate boxes are required for different races. Section 23-400.62. If a ballot is placed in the wrong box, the law provides that such ballots may be counted if in counting the ballots for that office, the number of ballots does not exceed the number of names on the poll list. If the number of names on the poll list is exceeded by counting all of the ballots, then none of the ballots for the office found in the incorrect box shall be counted. The principal objective is to have the exact number of ballots for an office corresponding to the number of names on the poll list. The ballots and the names on the poll list may not be the same in number, for the reason that some voters may not vote a particular ballot, but in no event must the number of ballots exceed the number of names on the poll list. Section 23-400.93.

Ballots Folded Together

If two or more ballots are found folded together compactly, only one of such ballots shall be counted. The others so folded together shall be destroyed, but if these ballots bear different names, all of them shall be destroyed and none of them counted. This means, for example, that if two ballots are found folded together compactly, and one is cast for John Jones and the other is cast for John Smith, both of these ballots shall be destroyed. On the other hand, if each of the ballots so folded together is cast for John Smith, then only one of such ballots shall be counted; the other shall be destroyed. Section 23-400.93.

More Votes Cast Than Names of Poll List

If more ballots are found in the ballot box or if more ballots are tabulated by vote recorder equipment or if the number of votes tabulated on voting machines in any polling place exceeds the number of voters listed on the poll list, the vote total for each candidate or issue shall be reduced by that fraction of the excess vote cast that his vote bears to the total number of votes cast in the polling place. Fractional parts of single votes shall be disregarded. For example, the ballot box contains 108 votes, but only 100 signed the poll list. Candidate A received 20 votes. The managers should determine what percentage 20 votes is of 108 (this is 18%). They should then take 18% of the excess vote (8 votes) and subtract this from candidate A's total vote. Eighteen percent of 8 votes is 1.4 votes, and disregarding the fractional vote, candidate A would receive 19 votes. This procedure should be followed with all candidates in the race.

If the number of votes cast exceeds the number of names of the poll list by 10 percent or more, the county election commission or county executive committee, as the case may be, shall order a new primary or election at the polling place concerned if the outcome of the election could be affected. Only those who sign the poll list shall be permitted to vote in any such new primary or election. Section 23-400.94.

Death or Withdrawal of a Candidate After Name Printed on Ballot

If a candidate dies, withdraws, or becomes disqualified after his name had been printed on the ballot, another person may be nominated to fill the vacancy, but it is not necessary that his name be printed on the ballot. The name of the candidate so nominated must be certified by the party committee to the appropriate authority. In such cases, a vote which is cast by the voter for the name of the candidate printed on the ballot but who has died, withdrawn, or otherwise become disqualified, shall be counted as a vote for the candidate subsequently nominated. Therefore, if John Smith has been printed as a candidate for sheriff, but dies before the election and Richard Roe is nominated by the party to replace him, then a vote cast for John Smith will be counted as a vote for Richard Roe. Section 23-400.18.

Marred or Defaced Ballots

If a voter defaces his ballot, he may obtain one additional ballot upon returning to the managers the marred or defaced ballot with the stub attached. Unless the ballot with the stub attached is returned, the voter should not be given a second ballot. When a ballot is given by the manager to replace a defaced one, the manager shall change the number of the ballot on the poll list and place the defaced ballot in a file. Thus, if a voter is given a ballot with the stub number 32 attached to it and defaces the ballot and returns it with the stub attached, he may then be given an additional ballot with, for example, stub number 42. The number 42 should then be written on the poll list at the place where number 32 was previously placed. Section 23-400.58.

Name Left Off Voter Registration List

When any person presents himself at the polling place with a valid registration certificate to vote and his name does not appear on the voter registration list, the manager should permit the person to vote a challenge ballot. Section 23-400.60:1. This repeals the former telephone procedure used to determine a person's right to vote when such person's name does not appear on the voter registration list. After the voter is permitted to vote, his name should be written in on the last page of the voter registration list.

If a voter's name is left off the voter registration list, he is entitled to vote an unchallenged ballot upon presentation to the managers, in addition to his registration certificate, a certificate from the board of registration that he is properly registered. Section 23-100.

Distributing and Displaying Campaign Literature at the Polls

It is a criminal offense for any person on election day to distribute any type of campaign literature or place any political posters within two hundred feet of the building wherein a polling place is located. It is the duty of poll managers to keep the area within two hundred feet to the polling place clear of political literature and displays. County and municipal law enforcement officers shall, upon the request of a poll manager, remove or cause to be removed any material distributed or displayed within two hundred feet of the polling place. Section 23-658.2.

It is not illegal for a candidate to appear and greet voters in line as long as he is not intimidating voters or interfering with the orderly election process. The managers should use their own judgement regarding this matter.

Powers of Managers

The managers of election have such police power as is necessary to carry out the provisions of the election laws. They have full authority to maintain good order at the polls and to require obedience to their commands during the election and during the counting of the ballots. All peace officers are required to answer such calls for help in preserving peace as may be made by the managers of election. Section 23-400.5.

For example, if a person is disorderly or unruly, a police officer may be requested to remove that person.

Police Officers

Peace officers in the execution of such requests may call upon bystanders to assist them and such bystanders are required to render such assistance. See Section 23-400.6, which now gives authority to all peace officers to request assistance and is not limited to a sheriff or deputy sheriff.

Unless called within the polls by a majority of the managers for assistance, no sheriff, deputy, policeman, or other officer is allowed to come within the polling place. This should not be construed so as to prevent a police officer from entering the polling place for the purpose of casting his ballot. Section 23-400.7. Once he has voted, however, the peace officer should immediately leave the voting place.

Removal of Voter From One Precinct to Another

A voter must be a resident of the precinct in which he votes. Section 23-62 and 23-211. When he changes from one precinct to another, he must register in his new precinct.

*A recent Constitutional Amendment provides that voters who move during the thirty-day closing period prior to an election may vote in their old precinct in that election only. Article II, Section 4 South

Carolina Constitution. His new registration will be subject to the thirty-day waiting period. These procedures apply if the voter moves from one county to another county or moves from one precinct to another precinct within the same county. Section 23-66, 23-77.2 and 23-215.

VOTING MACHINE PROCEDURES

Automatic Voting Machines are now used in five counties in South Carolina. They are Anderson, Charleston, Darlington, Richland and Spartanburg.

Number of Machines

The law now requires that the governing body of any county or municipality using voting machines shall provide for each polling place at least one voting machine for each three hundred and fifty registered voters or portion thereof, or as near thereto as may be practicable. Section 23-408. Thus, if a polling place has eight hundred voters registered therein, three machines should be provided.

Number of Ballots

Paper ballots for public office must also be provided to each voting machine precinct. These shall be equal to 10 percent of the number of electors registered there. Section 23-400.25.

Use of Machines

Only those machines which have been approved by the Board of Voting Machine Commissioners can be used in elections in this State. Section 23-402.

Instructional cards shall be posted in the polling place and the arrangement of candidates names properly placed in the frames of the machines. The keys to the voting machines shall be delivered to the managers in a sealed envelope on which shall be written the number of the voting machine, the number of the seal and the number registered on the protective counter device.

The envelope containing the keys shall not be opened until all of the managers of the election for the precinct shall be present and shall examine the envelope to see that it has not been opened.

The machine shall remain locked against voting until the polls are formally opened and shall not be operated except by voters.

Placement of Machines

The voting machine shall be placed at least three feet from every wall or partition at the polling place and at least five feet from any table at which any of the election managers or clerks may be engaged or seated.

The machine shall be placed so that the ballots on the face of the machine can be plainly seen by the managers when not in use by the voters.

The managers shall not themselves be, or permit any other person to be, in any position or near any position that will permit him to see how any voter votes or has voted. Section 23-418.

Inspection of Machines

After each voter has cast his vote, one of the managers shall inspect the machine to see that the ballots on the face of the machine are in proper places and that the machine has not been injured. During an election, the door or other covering of the counter compartment of the machine shall not be unlocked or opened or the counter exposed except for good and sufficient reasons, a statement of which shall be made and signed by the managers of election and attached to the return of the election. Section 23-420.

A mechanically operated model of a portion of the face of the voting machine is required to be in each election place. Voters desiring it shall be instructed regarding the operation of the machine by demonstration on the model and shall be given an opportunity personally to operate the model. Section 23-421.

Time For Voter to Remain in Machine Booth and Constitutional Amendment Booth

No voter shall remain in a voting machine longer than three minutes; and if he shall refuse to leave it after a lapse of three minutes; he may be removed by the managers. Section 23-422.

In the 1976 General Election, Constitutional Amendments are not required to be voted on in separate voting booths; therefore, the managers may wish to consider allowing the voter some additional time in the booth if other persons are not in line waiting to vote.

Instructions After the Voter Has Entered the Machine Booth

After a voter has entered a voting machine booth and shall ask for further instructions concerning the manner of voting, two of the managers shall give instructions to him. But no election official shall in any manner request or seek to persuade or induce any voter to vote in any particular manner. After giving instructions, the managers shall, before the voter has voted, retire and such voter shall cast his ballot in secret. Section 23-423.

Write-In Ballots Where Machines Used

Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office are referred to as "write-in" ballots. All write-in ballots voted shall be deposited, written, or affixed in a single receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear. A write-in ballot must be cast in its appropriate place on the machine or it shall be void and not counted. Section 23-425.

Procedure When Machine Will Not Operate

If a machine becomes inoperative in whole or in part, the managers shall notify the commissioners of election and, if possible, a substitute machine shall replace the injured machine. If a substitute machine is used, at the closing of the polls, the record of both machines shall be taken and the votes shown on their counters shall be added together. If no other machine is available for use at the election, and the injured machine cannot be repaired, the paper ballots furnished as already referred to (10 percent of registered voters of the precinct) may be used and received as other ballots. If the 10 percent supply of ballots is exhausted, then unofficial ballots may be used. By this is meant if printed ballots are not available, or have been exhausted, then the voter may prepare his ballot on pieces of paper furnished by the managers and such papers will be considered as ballots and counted as such. Section 23-427.

Counter Not Registering 000

Before opening the polls, each manager shall examine the machines and see that no vote has been cast and that the counter registers zero (000). If any counter is found not to register (000), the managers shall adjust the counters at zero (000) if it can be done by them; if not, they shall make a written statement designating letter and number of such counter, together with the number registered thereon, and shall sign and post such statement upon the wall of the voting place where it shall remain during the day of the election, and in making the statement of canvass, they shall subtract such number from the number of registered ballots thereon. Section 23-417.

Locking Machines After Election; Keys

The keys to the voting machine shall be enclosed in a sealed envelope having endorsed thereon a certificate of the managers, stating the number of the machine, the voting precinct, the number on the seal and number on the protective counter, and shall be returned by one of the managers of election to the commissioners or other electoral board from whom the keys were received. After the managers lock the machines, they must remain locked for a period of thirty days, or as much longer as necessary or advisable should a contest develop, or except as may be necessary to prepare the machines for another election. An exception is that the machines may be opened and all data examined upon the order of a court of competent jurisdiction. Section 23-429.

Canvass and Return of Vote Where Machines Used

After the polls have closed, the managers shall immediately lock and seal the voting machine against further voting and open the counter compartment in the presence of all persons who are present, at the time giving full view of the counters. The managers shall canvass and announce the results as shown by the counters. The vote that is registered is then written on a statement of canvass and when so completed, shall be

compared with the numbers on the counters of the machine. If found to be correct, the statement shall be duly certified and sworn to and returned as other election returns. Section 23-428.

VOTE RECORDER

Vote recorders are now used in seven counties in South Carolina. These are Greenville, Aiken, Sumter, Georgetown, Lexington, Pickens and Beaufort. The use of the vote recorders can be adopted optionally by any county provided that the recorders used meet specifications set forth by the State Board of Voting Machine Examiners. Section 23-403. Laws governing the use of vote recorders are contained in Section 23-400.101 through 23-400.120. The State Election Commission has also promulgated regulations for the use of vote recorders.

Although vote recorder cards are technically paper ballots, many of the rules for voting machines still apply. The managers must make sure that the ballot labels remain in the correct order. They must also check the recorder regularly to see that it has not been damaged.

Ballot Cards For Vote Recorder

Ballot cards for vote recorders should be of suitable size, stock, and design as prescribed by the State Election Commission. The cards should be suitable for processing on a tabulation machine. They should provide for write-in votes and have a serially-numbered, detachable stub as do other paper ballots. Section 23-400.107.

Delivery of Vote Recorder

The county election commission shall provide for the delivery and proper set up of vote recorders at least one hour before the polls are scheduled to open. Section 23-400.101.

The poll managers should see that:

- 1) each vote recorder has sufficient light
- 2) two sets of sample ballots which are a reasonable facsimile of the ballot labels and directions for the use of the vote recorders are posted outside the guard rail in the polling place.
- 3) they have been furnished with a seal for sealing the recorder after the polls are closed and other supplies as necessary or required by law. Section 23-400.110.

A manager should also be stationed with a sample vote recorder and ready to instruct voters in its use.

Damaged Recorder

If a vote recorder becomes inoperative, the managers must immediately notify the county election commission so that it may be repaired or replaced. In the meantime, voting should continue on other vote recorders, if available, or on the emergency paper ballots provided. Section 23-400.117.

Handling of Ballot Cards After the Polls Close By Managers

Ballot cards for the vote recorder must be handled with care. They must not be bent or mutilated in any way. The managers should first remove all ballots from the ballot boxes. If ballot cards with the fold over, write-in stub are being used, the long write-in fold over stub must still be attached to the ballot in order to constitute a valid vote. If no write-in is recorded, this portion of the ballot shall be separated from the ballot and returned with the other election supplies. If a write-in vote has been cast, the managers should follow the regular procedures for counting paper ballots.

In precincts that use envelopes for write-ins rather than the write-in fold over stub, the ballot and envelope must remain together to constitute a valid vote. If upon closing the polls, the managers find no write-in on the envelope, the envelope should be separated from the ballot and returned with the other election supplies. If a write-in has been cast, the managers should follow the regular procedures for counting paper ballots.

All ballot cards without write-ins should be carefully stacked in the metal transfer case and slide the case divider forward so that the ballots will be securely held. Before sealing the transfer case, make sure that

it contains: the voted ballot cards, challenged ballot envelopes containing challenged ballots, one completed and signed copy of the Return of Ballots Form. The managers should then make and sign a statement of the time the transfer case is sealed and place it in the transfer case. The transfer case should then be sealed with the numbered seal enclosed in the envelope inside the transfer case.

The managers should then proceed to the counting station with all supplies. They shall remain at the counting station until dismissed. Section 23-400.199.

Duplicating Damaged Ballot Cards

If a ballot card is damaged to the point that it cannot be processed by the automatic tabulating equipment, the county election commission can authorize the marking of a duplicate ballot that can be counted. These are to be marked at the counting station in the presence of witnesses. The damaged ballots are preserved, and the duplicates are labeled with the word "duplicate" and the number of the original ballot.

NOTE: Commissioners in counties using Vote Recorders should familiarize themselves with the regulations adopted by the State Election Commission for use of such recorders.

ABSENTEE VOTING

Persons Eligible for Absentee Ballots

The following persons are eligible to receive absentee ballots:

1. Students, their spouses and dependents, residing with them. (The term students shall mean all persons residing outside of the counties of their respective residences, enrolled in an institution of learning.)
2. Armed Forces, Merchant Marine, their spouses and dependents residing with them.
3. Persons serving with the American Red Cross or with the United Service Organizations who are attached to and serving with the Armed Forces of the United States, their spouses and dependents residing with them.
4. Employment. (The term employment means those persons who by virtue of their employment obligations are unable to vote in person.)
5. Physically disabled persons. (The term physically disabled persons shall mean a person who, because of injury or illness cannot be present in person at his voting place on election day, whether physically present inside or outside his county of residence.)
6. Governmental employees, their spouses and dependents residing with them, who are out of county of residence on Election Day.
7. Death in family, or attending funeral within a three day period of election.
8. Professions of ministry, teaching and medical.
9. Persons on vacation.

Any qualified elector in any of the above categories may receive absentee ballots by submitting a proper request form to the county election commission. This request must be made no earlier than 45 days prior to, nor later than noon three days before the election. It is important to remember that only persons who will be absent from their county of residence on Election Day can vote by absentee ballot with the exception of "physically disabled persons", who may vote by absentee ballot whether or not absent from their county of residence.

* Those electors who request absentee ballots for reasons of employment must apply in person.

Any registered elector qualifying for an absentee ballot under one of the above categories may apply in person until 5:00 p.m., on the day preceding the election. 1975, R-284.

Absentee Voting Precincts

The office of the County Election Commission shall be the location of the absentee ballot precinct. The

absentee ballots will be tabulated and reported in this separate precinct; however, in the final tabulation of votes by the Commission the absentee ballots shall be included in the totals of the resident precinct of the absentee voter. Sections 23-450.1 through 23-450.3.

(No ballot should be counted which is received by the Commissioners after the closing of the polls. Absentee ballots are subject to the same challenges as other votes.)

Prior to sending the election lists to the respective precincts, the election commissioners should mark the precinct voter lists for every voter who has been sent an absentee ballot. This will prevent such voters from voting in person in their precincts on election day unless they furnish to the managers a certificate from the county election commission that their absentee ballot has been returned to the commission unmarked. Section 23-450.3.

The County Election Commission shall, after the election, prepare a list of all persons to whom absentee ballots were issued and all persons who cast absentee ballots. This list must be made available for public inspection upon request. Section 23-450.4.

ABSENTEE VOTING

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